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STATE OF NEVADA BOARD OF EDUCATION

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October 6, 2020

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of
the Nevada State Board of Education as proposed in LCB File #R135-20

The Nevada State Board of Education will hold a public hearing **at 11:05 A.M. on Thursday, November 12, 2020 via videoconference**. In accordance with Governor Steve Sisolak's State of Emergency Directive 006, Section 1, there will be no physical location designated for this meeting. The meeting will be livestreamed on the Nevada Department of Education's [website](http://www.doe.nv.gov), and may be navigated to from [https://doe.nv.gov/State Board of Education/](https://doe.nv.gov/State_Board_of_Education/)

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapters 385 and 388 of the Nevada Administrative Code (NAC), pursuant to Nevada Revised Statute (NRS) 388.255, regarding the development of plans and requirements regarding training and practice for responding to a crisis, emergency, or suicide.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 388.255, the Nevada State Board of Education is instructed to adopt regulations setting forth requirements regarding:
 - *“the plan required to be developed pursuant to NRS 388.243; and...requirements concerning training and practice in procedures for responding to a crisis, emergency or suicide”*NRS 388.243.2 notes that:
 - *“the plan developed...must include...the plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253”*NRS 388.253.1 requires states that:
 - *“the Department shall...develop a model plan for the management of: a suicide; or a crisis or emergency that involves a public school or a private school and that requires immediate attention”*

- 2. Description of the proposed regulation, or the subjects and issues involved:** The

proposed regulation would require NDE to identify nationally accepted best practices, models, or frameworks that address the contents of the model plan; if NDE is unable to identify a preexisting best practice, they may develop an appropriate best practice, model, or framework in consultation with certain stakeholders. This best practice, model, or framework identified or developed must then be presented to the State Board of Education and posted on NDE's website, with certain exceptions.

The revised text of the proposed regulation is attached to this notice.

- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 4. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 5. The estimated cost to the agency for enforcement of the proposed regulation:** no costs.
- 6. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** there is no duplication or overlap of regulations of state or local government agencies.
- 7. Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
- 8. Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
- 9. Does the proposed regulation establish a new fee or increase an existing fee?** the proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency

Persons wishing to comment upon the proposed action of the State Board of Education may submit written comment to the Nevada Department of Education via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5th Street, Carson City, Nevada. Comments may be submitted via email leading up to and for the duration of the hearing and those submitted via email must be received by the Department on or before November 11. The Board of Education will proceed to act upon any written submissions. A record of all submitted comments will be retained.

The requirements set forth in NRS 241.020(4)(a) for the posting of agenda for public meetings was suspended in Governor Sisolak's State of Emergency Directive 006.

This notice and the text of the proposed regulation are available in the State of Nevada Register of

Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and online at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be emailed and/or mailed to members of the public upon request. A reasonable fee may be charged for copies, if it is deemed necessary.

A copy of this notice and the regulation to be adopted has been posted on the Nevada Department of Education's website at <https://www.doe.nv.gov>, as well as Nevada's Public Notice site at <https://www.notice.nv.gov>.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R135-20

September 11, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 385.080 and 388.253.

A REGULATION relating to education; requiring the Department of Education to identify or develop nationally accepted best practices, models or frameworks for a model plan to respond to a crisis, emergency or suicide; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a development committee established by the board of trustees of a school district or the governing body of a charter school to develop a plan to be used by the schools within a school district or the charter school, respectively, in responding to a crisis, emergency or suicide. (NRS 388.243) Existing law similarly requires a development committee established by the governing body of a private school to develop such a plan. (NRS 394.1687) Existing law requires the Department of Education to develop a model plan for responding to a crisis, emergency or suicide. (NRS 388.253) This regulation requires the Department to identify nationally accepted best practices, models or frameworks that address the contents of the model plan. If the Department cannot identify a best practice, model or framework, this regulation requires the Department to develop an appropriate best practice, model or framework in consultation with certain stakeholders. This regulation also requires that the best practice, model or framework identified or developed by the Department be presented to the State Board of Education and posted on the Internet website of the Department, with certain exceptions.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. When developing a model plan for the management of a crisis, emergency or suicide pursuant to NRS 388.253, the Department shall, to the extent possible, identify nationally accepted best practices, models or frameworks for addressing the provisions of NRS 388.253. If such a nationally accepted best practice, model or framework cannot be identified, the Department shall consult with relevant stakeholders to develop an appropriate best practice, model or framework for use by the board of trustees of a school district, governing body of a charter school or governing body of a private school for addressing the provisions of NRS 388.253. Relevant stakeholders may include, without limitation:

(a) Other state agencies, including, without limitation, those identified in subsection 1 of NRS 388.253;

(b) Governing bodies of charter schools or private schools in this State;

(c) Educational personnel employed in a public or private school in this State;

(d) Local associations and organizations of parents and legal guardians whose children are enrolled in a public or private school in this State; or

(e) Parents and legal guardians whose children are enrolled in a public or private school in this State.

2. Except as otherwise provided in NRS 388.259, 388.261, 394.1698 and 394.1699, a best practice, model or framework identified or developed pursuant to subsection 1 must be presented to the State Board and posted on the Internet website maintained by the Department.